IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 3295 of 2005(P)

PETITIONER:

P. PRABHAKARAN NAIR, S/O. PARAMESWARAN PILLAI, AGEAD 57, PRABHA NIVAS, THALICKAMUKAL, KARIPPUR P.O., NEDUMANGADU, OVERSEAR, KSEB, PALODE, TRIVANDRUM (RETD.).

BY ADV. SRI.R.S.KALKURA

RESPONDENTS:
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1. **KERALA STATE ELECTRICITY BOARD, REPRESENTED BY ITS SECRETARY, VYDHUTHI BHAVAN, PATTOM, TRIVANDRUM.**

2. **EXECUTIVE ENGINEER, ELECTRICAL DIVISION KERALA STATE ELECTRICITY BOARD, NEDUMANGAD.**

3. **ACCOUNTS OFFICER (PENSION AUDITOR) KERALA STATE ELECTRICITY BOARD, VYDHUTHI BHAVAN, PATTAM, TRIVANDRUM.**

BY ADV. SRI. ASOK M.CHERIYAN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

W.P.(C) NO.3295/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE LETTER RELIEVING THE PETITIONER FROM SERVICE DT. 31.10.03.

EXT.P2:- COPY OF THE LETTER DT. 19.5.04.

EXT.P3:- COPY OF THE NON LIABILITY CERTIFICATE DT. 18.12.03 OF EXECUTIVE ENGINEER, KSEB, MANJERY DIVISION.

EXT.P4:- COPY OF THE NON LIABILITY CERTIFICATE DT. 24.12.03 OF ASST. ENGINEER, KSEB, NEDUMANGAD.

EXT.P5:- COPY OF THE NON LIABILITY CERTIFICATE DT. 15.3.04 OF EXECUTIVE ENGINEER, KSEB, NEDUMANGAD.

EXT.P6:- COPY OF THE NON LIABILITY CERTIFICATE DT. 1.4.04 OF EXECUTIVE ENGINEER, KSEB, NEDUMANGAD.

EXT.P7:- COPY OF THE CHARGE MEMO DT. 30.9.04 AND EXPLANATION GIVEN BY THE PETITIONER.

EXT.P8:- COPY OF THE ORDER OF EXECUTIVE ENGINEER DT. 7.11.03.

EXT.P9:- COPY OF THE LETTER DT. 17.2.04 ISSUED BY THE CHIEF PERSONAL OFFICER.

EXT.P10:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE MINISTER DT. 20.9.04.

EXT.P11:- COPY OF THE JUDGMENT DT. 31.8.07 IN CC. NO.139/04 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT – II, NEDUMANGAD.

/TRUE COPY/

P.A. TO JUDGE

tss

V. GIRI ,J.

WP(C).NO.3295 of 2005

Dated this the 10th day of October, 2007

JUDGMENT

Standing Counsel for the Electricity Board submits that the only reason for withholding the DCRG was the pendency of the criminal proceedings. Apparently, this has ended in an acquittal of the petitioner as evidenced by Ext.P11 judgment produced along with I.A. 13449/2007.

2. In the circumstances, the writ petition is disposed of directing the first respondent to take appropriate action to disburse the DCRG due to the petitioner within a period of six weeks from the date of receipt of a copy of this judgment which the petitioner shall produce before the first respondent within two weeks from the date of receipt of the copy provided there is no liability fixed as against the petitioner.

V. GIRI, JUDGE

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